

STATE OF ALABAMA

WRIT OF CORAM NOBIS

RE: CA# 06-339

MANDAMUS

-V-

RECEIVED

SUPPORTING EVIDENCE

MARVIN.C.THOMPSON

2007 APR 13 A 9:20

PETITIONER RESPECTFULLY COMES NOW:

CLARK D. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

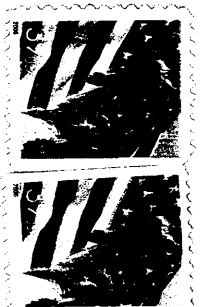
WITH DOCUMENTATION OF ADDITIONAL VERIFICATION SUPPORTING HIS REQUEST FOR WRIT OF CORAM NOBIS MANDAMUS. PLEASE FIND ENCLOSED DEFENDANTS MOTION FOR SUPPRESSION OF EVIDENCE AND DISCOVERY THE ORIGINAL DISCOVERY MOTION FILED BY PREVIOUS PAID COUNSEL. ALSO FIND ENCLOSED A COPY OF THE ORIGINAL INDICIMENT PLEASE NOTICE THE DATE AND SOLE WITNESSES NAME, THE ADDITIONAL INFORMATION SPEAKS TO THE ISSUE OF THE TRAFFIC CITATION THAT DISCOVERY HAS BEEN REQUESTED FOR REGARDING FORGERY, AND EXCULPATORY EVIDENCE NECESSARY TO IMPEACH PROSECUTIONS WITNESS AND OR ANY GRAND FABRICATED TESTIMONY MADE TO THE GRAND JURY BY LT. WOOD OR THE PROSECUTION. FINALLY THE SECOND AND FINAL REQUEST MADE ON BEHALF OF THE DEFENDANT BY THE FEDERAL BUREAU OF PRISONS HERE AT THIS FACILITY THAT MUST BE CONSTRUED AS THE DEFENDANTS REQUEST FOR FAST AND SPEEDY TRIAL. PLEASE ACCEPT THESE DOCUMENTS AS FURTHER EVIDENCE AND SUPPORT FOR DEFENDANTS POSITION AND GRANT HIS MOTION FOR THE WRIT.

DONE THIS DAY April 9th 2007

SIGNED Marvin Thompson

Mr. Ma
Oakdale
P.O. Box 5000/Vernon II unit
Oakdale LA. 71463

United States District Court
Office of the Clerk
P.O. Box 711
Montgomery, AL 36101-0711



INDICTMENT

THE STATE OF ALABAMA, CHAMBERS COUNTY

CIRCUIT COURT, FALL TERM, 2006

1. The Grand Jury of Said County charges that before the finding of this Indictment, Marvin Crawford Thompson, alias; whose name is otherwise unknown to the Grand Jury, did unlawfully possess a controlled substance, to-wit: cocaine, in violation of Section 13A-12-212 of the Code of Alabama, against the peace and dignity of the State of Alabama.
2. The Grand Jury of Said County further charges that before the finding of this Indictment, Marvin Crawford Thompson, alias, whose name is otherwise unknown to the Grand Jury, did by means of intimidation, physical force or interference or by another independently unlawful act, intentionally obstruct, impair or hinder the administration of law or other governmental function by, to-wit: by instructing another person not to exit the car as Lt. Johnny Wood was instructing her to do, in violation of Section 13A-10-2 of the Code of Alabama, against the peace and dignity of the State of Alabama.


District Attorney of the Fifth Judicial Circuit

Grand Jury No. 572, 692

A TRUE BILL: ---

Jennifer Williams
Foreman Grand Jury

Filed in open Court on the _____ day of _____

~~25~~ 25 2006 20

in the presence of the Grand Jury.

Charles W. Story
Clerk

Presented to the presiding Judge in open Court by the Foreman of the Grand Jury, in the presence of

Grand Jurors, and filed by order of the Court this

day of ~~25~~ 25 2006 20

Charles W. Story
Clerk

Bail fixed at \$ 6,000. ^{so} To Take (Each)

this 25 day of August, 2006

Edward H. Byrnes
Judge Presiding

No. CC 06-339

THE STATE OF ALABAMA

CHAMBERS COUNTY

CIRCUIT COURT

FALL Term, 2006

THE STATE

vs.

MARVIN THOMPSON, ALIAS

INDICTMENT

UNLAWFUL POSSESSION OF A
CONTROLLED SUBSTANCE
OBSTRUCTING A GOVERNMENTAL
OPERATION

No Prosecutor

WITNESSES:

STEVEN WOOD

THE STATE OF ALABAMA

COUNTY

Circuit Court, _____ Term, 20 _____

To the Sheriff of said County:

I hereby certify that this is a true and complete copy of the Indictment presented to the Court by the Grand Jury of Said County against

charged with _____
together with all endorsements on said Indictment, and
that the trial is set for _____, 20 _____

of _____
his counsel.

Witness my hand, this _____, 20 _____

Clerk

I hereby certify that I have received above stated copy of Indictment from the Circuit Court Clerk of said County and served same on

at _____ o'clock _____ M., _____, 20 _____

Sheriff

D.S.

2/6/06. CONVERSATION with Judge Milford.

on Monday I went to the Chambers County Courthouse clerks office where I could receive a copy of the supposed ticket I was issued on 11/17/05, when I received this ticket I noticed that the signature did not look like my hand writing, I left went to my attorneys office MR Brent Dean, he wasn't in so before I left Lafayette I went back to the clerks office to see if I could get a copy of the Court docket for the day I was supposed to be in court. While approaching the office I saw Judge Milford, I asked him could I speak with him he said yes, I spoke to him about the warrant that he signed and told him about the ticket I was told I got that I never got and how my license had been suspended and kept by Lt Woods, he stated that some how that ticket might have slipped through the crack, & I assumed he meant that if it was in Janet it should have been sent up with the Obstruction Charge ~~Charge~~ ~~Charge~~ that my attorney filed the motion to have done, he told me to tell april to recall the warrant call Mont gomery and have them reinstate my D.L. and call Lafayette P.D. and tell them to hold my DL that I would be coming to get them. give them back to me. end of Statement signed Mamen Thompson

0001 ON-LINE CASE ACTION SUMMARY COUNTY: 12 CHAMBERS OFFICE: 1 005000

CASE NUMBER: TR 2005 200721 00 TRANS DATE/TIME: 00000000 0000 JID: WCM
 STYLE/NAME: STATE OF ALABAMA VS THOMPSON MARVIN CRAWFORD FC PRNTR: N

ACT DATE TIME CODE 1----- COMMENTS -----1 OPE

12062005 0746 NOTF NOTICE FLAG SET TO: "N" (TR01) APC
 12062005 0746 RU20 RULE 20 STATUS OF: GUILTY PLEA ASSIGNED (TR01) APC
 12062005 0746 FINE DEFENDANT SCHEDULED FINE: 550.00 (TR01) APC
 12062005 0746 DATE SET FOR: PLEA DOCKET ON 01/10/2006 @ 0900A (TR01) APC
 12062005 0746 ARRS DEFENDANT ARRESTED ON: 11/17/2005 (TR01) APC
 12062005 0746 COST DEFENDANT COST: 5176.00 (TR01) APC
 12062005 0746 FILE FILED ON: 12/05/2005 CHARGE: PROHIBITED STOPPING APC
 12062005 0746 STAT INITIAL STATUS SET TO: "B" FOR BOND (TR01) APC
 12062005 0746 ESTE ENF STATUS SET TO: "A" (TR01) APC
 01242006 1159 SUSN SUSPENSION NOTICE ISSUED (TR03) APC
 01242006 1159 AWAR ALIAS WARRANT ISSUED * (TR03) APC
 02062006 1049 ARCL ALIAS WARRANT RECALLED * (TR03) APC
 02062006 1055 ESTE ENF STATUS CHANGED FROM: "A" TO: "N" (TR01) APC

*** "C"-CHANGES/"D"-DELETES/"A"-ADDS ENTRIES IN THE FILE ***

01=MNU 02=CCS 03=NDX 04=CSE 05=ENT 06=ENF 07=CLR 08=FEE 09=PRT 10=BWD 11=FWD
 12=DOM 13=FRM 14=CPR 15=DPR 16=WPR 17=SPR 18=BND 19=PRT 20=OFF 24=HLF

DATE: 02/07/2006 TIME: 15:26:13 USER:A41C TERM:A412FRLY

TRF054

ALABAMA JUDICIAL DATA CENTER

ORIGINAL

DISTRICT COURT OF CHAMBERS COUNTY

ALIAS WARRANT

TR 2005 200722.00
JID: M CALVIN MILFORD JR

THE STATE OF ALABAMA

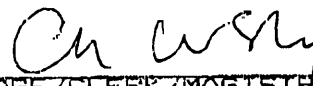
VS THOMPSON MARVIN CRAWFORD

TO ANY LAW ENFORCEMENT OFFICER:

YOU ARE HEREBY COMMANDED TO ARREST: THOMPSON MARVIN CRAWFORD
AND BRING HIM/HER BEFORE THIS COURT TO ANSWER THE STATE FOR THE CHARGE OF
FAILURE TO APPEAR ON THE CHARGE OF: PROHIBITED STOPPIN ISSUED ON 11/17/2005.

WITNESS MY HAND THIS JANUARY 24, 2006.

BOND SET AT:


JUDGE/CLERK/MAGISTRATE

DEFENDANT'S ADDRESS:

DEFENDANT'S DESCRIPTION:

2268 15TH AVENUE SOUTHWES

HT: 510 WT: 212

LANETT, AL 36863 0000

HAIR: BLK EYE: BRO
BIRTH DATE: 11/12/1960

SSN: 421-92-1829

DL: AL 4509158

RACE: B SEX: M

EMPLOYER: _____

PHONE NO: (000) 000-0000

TICKET NUMBER: M 7950774

AGENCY/OFFICER: 0120200/S WOOD

NOTE:

*larged first**Motion for Judgement
agreed one for writ of Habeas Corpus sent 4/6/07*

OFFICERS RETURN:

RECEIVED ON _____

EXECUTED ON _____

BY: _____

- () DEFENDANT ARRESTED, RELEASED ON BOND
 () DEFENDANT ARRESTED, IN JAIL
 () DEFENDANT ARRESTED, NOT BOOKED
 () NOT FOUND
 () OTHER _____

SHERIFF _____

OFFICER _____

OPERATOR: APC
 PREPARED: 01/24/2006

BP-S394.058 DETAINER ACTION LETTER CDFRM
MAR 03

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Chambers County Sheriff's Department Attn: Warrant Division 2 Lafayette Street Lafayette, AL 36862		FCI OAKDALE P.O. BOX 5050 OAKDALE, LA 71463-5050	
		02-28-2007	
Case #	Inmate's Name Thompson, Marvin Crawford	Fed Reg No. 84302-020	DOB/SEX/RACE 11-12-1960 B/M
Aliases		Other No. FBI: 947004V11 SSN: 412-92-1829	

Second and Final Request

This office is in receipt of the following report: CLERK'S OFFICE INDICATES PENDING CHARGES FOR OBSTRUCTING A GOVERNMENTAL OPERATION AND UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE, COCAINE. Will you please investigate this report and advise what disposition, if any, has been made of the case. If subject is wanted by your department and you wish a detainer placed, it will be necessary for you to forward a certified copy of your warrant to us along with a cover letter stating your desire to have it lodged as a detainer. If you have no further interest in the subject, please forward a letter indicating so.

*Refuse to Respond or Lodge
detainer, prosecutorial tactic
to deny defendant's 6th Amendment
Right to a speedy trial.
(CND)*

Sincerely,

Donnie Veillon

Legal Instruments Examiner
(318) 335-4070, EXT. 4180
FAX (318) 215-2688

7778

[illegible]

VIBE - GARD - 000 - 100 - 0 - 2NF - 070 - A - 0NF0 - 0

[illegible][illegible][illegible]

ZIP: 33623-0000 CITY: TAMPA ST: 41 COUNTRY: US PHONE: 800 361 3000

[illegible]

2019 2018 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008 2007 2006 2005 2004 2003 2002 2001 2000 1999 1998 1997 1996 1995 1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984 1983 1982 1981 1980 1979 1978 1977 1976 1975 1974 1973 1972 1971 1970 1969 1968 1967 1966 1965 1964 1963 1962 1961 1960 1959 1958 1957 1956 1955 1954 1953 1952 1951 1950 1949 1948 1947 1946 1945 1944 1943 1942 1941 1940 1939 1938 1937 1936 1935 1934 1933 1932 1931 1930 1929 1928 1927 1926 1925 1924 1923 1922 1921 1920 1919 1918 1917 1916 1915 1914 1913 1912 1911 1910 1909 1908 1907 1906 1905 1904 1903 1902 1901 1900 1899 1898 1897 1896 1895 1894 1893 1892 1891 1890 1889 1888 1887 1886 1885 1884 1883 1882 1881 1880 1879 1878 1877 1876 1875 1874 1873 1872 1871 1870 1869 1868 1867 1866 1865 1864 1863 1862 1861 1860 1859 1858 1857 1856 1855 1854 1853 1852 1851 1850 1849 1848 1847 1846 1845 1844 1843 1842 1841 1840 1839 1838 1837 1836 1835 1834 1833 1832 1831 1830 1829 1828 1827 1826 1825 1824 1823 1822 1821 1820 1819 1818 1817 1816 1815 1814 1813 1812 1811 1810 1809 1808 1807 1806 1805 1804 1803 1802 1801 1800 1799 1798 1797 1796 1795 1794 1793 1792 1791 1790 1789 1788 1787 1786 1785 1784 1783 1782 1781 1780 1779 1778 1777 1776 1775 1774 1773 1772 1771 1770 1769 1768 1767 1766 1765 1764 1763 1762 1761 1760 1759 1758 1757 1756 1755 1754 1753 1752 1751 1750 1749 1748 1747 1746 1745 1744 1743 1742 1741 1740 1739 1738 1737 1736 1735 1734 1733 1732 1731 1730 1729 1728 1727 1726 1725 1724 1723 1722 1721 1720 1719 1718 1717 1716 1715 1714 1713 1712 1711 1710 1709 1708 1707 1706 1705 1704 1703 1702 1701 1700 1699 1698 1697 1696 1695 1694 1693 1692 1691 1690 1689 1688 1687 1686 1685 1684 1683 1682 1681 1680 1679 1678 1677 1676 1675 1674 1673 1672 1671 1670 1669 1668 1667 1666 1665 1664 1663 1662 1661 1660 1659 1658 1657 1656 1655 1654 1653 1652 1651 1650 1649 1648 1647 1646 1645 1644 1643 1642 1641 1640 1639 1638 1637 1636 1635 1634 1633 1632 1631 1630 1629 1628 1627 1626 1625 1624 1623 1622 1621 1620 1619 1618 1617 1616 1615 1614 1613 1612 1611 1610 1609 1608 1607 1606 1605 1604 1603 1602 1601 1600 1599 1598 1597 1596 1595 1594 1593 1592 1591 1590 1589 1588 1587 1586 1585 1584 1583 1582 1581 1580 1579 1578 1577 1576 1575 1574 1573 1572 1571 1570 1569 1568 1567 1566 1565 1564 1563 1562 1561 1560 1559 1558 1557 1556 1555 1554 1553 1552 1551 1550 1549 1548 1547 1546 1545 1544 1543 1542 1541 1540 1539 1538 1537 1536 1535 1534 1533 1532 1531 1530 1529 1528 1527 1526 1525 1524 1523 1522 1521 1520 1519 1518 1517 1516 1515 1514 1513 1512 1511 1510 1509 1508 1507 1506 1505 1504 1503 1502 1501 1500 1499 1498 1497 1496 1495 1494 1493 1492 1491 1490 1489 1488 1487 1486 1485 1484 1483 1482 1481 1480 1479 1478 1477 1476 1475 1474 1473 1472 1471 1470 1469 1468 1467 1466 1465 1464 1463 1462 1461 1460 1459 1458 1457 1456 1455 1454 1453 1452 1451 1450 1449 1448 1447 1446 1445 1444 1443 1442 1441 1440 1439 1438 1437 1436 1435 1434 1433 1432 1431 1430 1429 1428 1427 1426 1425 1424 1423 1422 1421 1420 1419 1418 1417 1416 1415 1414 1413 1412 1411 1410 1409 1408 1407 1406 1405 1404 1403 1402 1401 1400 1399 1398 1397 1396 1395 1394 1393 1392 1391 1390 1389 1388 1387 1386 1385 1384 1383 1382 1381 1380 1379 1378 1377 1376 1375 1374 1373 1372 1371 1370 1369 1368 1367 1366 1365 1364 1363 1362 1361 1360 1359 1358 1357 1356 1355 1354 1353 1352 1351 1350 1349 1348 1347 1346 1345 1344 1343 1342 1341 1340 1339 1338 1337 1336 1335 1334 1333 1332 1331 1330 1329 1328 1327 1326 1325 1324 1323 1322 1321 1320 1319 1318 1317 1316 1315 1314 1313 1312 1311 1310 1309 1308 1307 1306 1305 1304 1303 1302 1301 1300 1299 1298 1297 1296 1295 1294 1293 1292 1291 1290 1289 1288 1287 1286 1285 1284 1283 1282 1281 1280 1279 1278 1277 1276 1275 1274 1273 1272 1271 1270 1269 1268 1267 1266 1265 1264 1263 1262 1261 1260 1259 1258 1257 1256 1255 1254 1253 1252 1251 1250 1249 1248 1247 1246 1245 1244 1243 1242 1241 1240 1239 1238 1237 1236 1235 1234 1233 1232 1231 1230 1229 1228 1227 1226 1225 1224 1223 1222 1221 1220 1219 1218 1217 1216 1215 1214 1213 1212 1211 1210 1209 1208 1207

ATTORNEY: ROBERT L. FLEMMING, JR.

DATE1: 010606 Q: 001 TIME: 0900 A/PN: A DESD: PLEA PLEA OBJECT

CHARGE: 1017 RECD: PROHIBITED STOPPING CITE: 022-05A-12 2018

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SPEED: 000 LIMIT: 00 RAD: 950 END: 0700060000 ENCOD:      CURR:
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CONTACT: CAOTE: 0000000000 AFREAL: 00000000 00000000000000

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1993	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1994	1	2	3	4</																																																																																																

FILE: 000000000 FILE: FILE: DVD: HIST: SET: 00000

COST: 0000017600 COST: OTHER DUE: 0000002200 FEE: HEAD:

年份	地区	人口	面积	人口密度	人均GDP	人均GDP增长率	人均GDP/万元	人均GDP/万元	人均GDP/万元
1990	全国	11.33	9.57	118.4	1990	1.0	1.0	1.0	1.0
1995	全国	12.00	9.76	122.9	1995	1.0	1.0	1.0	1.0
2000	全国	12.67	9.96	127.2	2000	1.0	1.0	1.0	1.0
2005	全国	13.34	10.16	131.5	2005	1.0	1.0	1.0	1.0
2010	全国	14.01	10.36	135.2	2010	1.0	1.0	1.0	1.0
2015	全国	14.68	10.56	139.5	2015	1.0	1.0	1.0	1.0
2020	全国	15.35	10.76	143.8	2020	1.0	1.0	1.0	1.0

[illegible][illegible]

01=MMU 02=TRF 03=BOX 04=PTY 05=CLR 06=DOE 07=ENT 08=ENT 09=AGE 10=RES 11=DOE

[illegible]

DATE: 02/06/2004 TIME: 10:06:00 PAGE: 1

IN THE DISTRICT COURT OF CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA)

CASE NO:DC-2005-200685

vs.)

FILED IN OFFICE THIS

MARVIN THOMPSON)

DEC 22 2005

CHARLES W. STORY
CIRCUIT CLERK

CHAMBERS COUNTY, ALABAMA

MOTION FOR DISCOVERY, INSPECTION, AND PRODUCTION

COMES now the defendant, MARVIN THOMPSON, by and through his attorney, and moves this Honorable Court pursuant to Rule 16 of the Alabama Rules of Criminal Procedure, to order the State's Attorney to permit the undersigned to inspect and to copy the following items:

- i) Any and all written or recorded statements made by the Defendant regarding this case, to any law enforcement officer, official or employee which are within the possession, custody, or control of the State, the existence of which is known to the State's attorney.
- ii) Any and all summaries of recorded statements or notes taken based on a monitored conversation between the Defendant and any law enforcement officer, official or employee which are within the possession, custody or control of the State, the existence of which is known to the State's Attorney.
- iii) The substance of any oral statements made by the Defendant before or after arrest to any law enforcement officer, official or employee which the Government intends to offer in evidence at the trial.
- iv) A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the State.
- v) Any and all governmental arrest records, including records of federal, state and local police agencies, pertaining to the Defendant and all persons the State plans to call as witnesses in this case.
- vi) Any and all evidence tending to exculpate this Defendant.

vii) All material known to the State or which through due diligence could be learned by the State which is arguably exculpatory in nature or favorable to the accused or which may lead to exculpatory material including but not limited to:

a. evidence reflecting adversely on the credibility of any Government witness; b. evidence obtained from or relating to any Government witness which may be exculpatory in nature; and c. grand jury testimony which may be exculpatory in nature.

viii) The names, addresses and telephone numbers of any person the State knows to possess relevant information to the charge in the indictment.

ix) Any and all photographs, videotapes, tangible objects, papers, notes, documents or copies or portions thereof which are in the possession, custody or control of the State, which are material to the preparation of the defense of this case and/or which are intended for use by the State as evidence in chief at the trial which were obtained from or belonged to the Defendant.

x) Any and all results or reports of scientific tests or experiments, or copies thereof, including but not limited to fingerprint test results which are within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the State's Attorney and which are material to the preparation of the defense or are intended for use by the State as evidence in chief at the trial.

xi) All logs, transcripts, Court Orders, and/or purported authorizations for any electronic, voice, or wire surveillance conducted in connection with this case or its investigation.

xii) Copies or transcriptions of the tapes of recorded conversations, if any, by and between the Defendant and any other individual.

xiii) All promises of immunity, leniency or preferential treatment made by the State to any witness who testified before the Grand Jury and/or who will testify at the trial of this case including but not being limited to, written plea bargain agreements, oral plea bargain agreements, oral and written agreements not to prosecute, oral and written grants of immunity, and oral or written statements to make specific recommendations to the sentencing judge as to any person who is or may be a witness in this case.

xiv) A copy of all "Jencks Acts" statements of the State's witnesses.

FILED IN OFFICE THIS

DEC 22 2005

CHARLES W. STONE
CLERK

Respectfully submitted,


BRENT L. DEAN (DEA025)
ATTORNEY FOR DEFENDANT

OF COUNSEL:

BRENT L. DEAN
ATTORNEY AT LAW

The Law Center
9 LaFayette Street North
LaFayette, Alabama 36862
p (334) 864-5293
f (334) 864-5300

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon Hon. E. Paul Jones, District Attorney, Chambers County, by depositing the same, postage prepaid, United States Mail, at his proper mailing address of P.O. Box 609, LaFayette, Alabama 36862.

This the 22 day of Dec 2005.

B L D
BRENT L. DEAN (DEA025)

FILED IN OFFICE THIS

DEC 22 2005

CHARLES W. STORY
CIRCUIT CLERK
CHAMBERS COUNTY, ALABAMA

IN THE DISTRICT COURT OF CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA

CASE NO:DC-2005-200686

vs.

MARVIN THOMPSON

MOTION TO TRANSFER

COMES NOW the defendant, by and through counsel, and moves this court to transfer the above styled action to circuit court and as grounds therefore, states as follows:

1. The above styled case is a misdemeanor charge of obstructing governmental operations.
2. The misdemeanor charge is accompanied by a felony charge styled DC-2005-200685 which all arose from the same arrest and subsequent search of the defendant and his vehicle.

WHEREFORE, the defendant respectfully requests that the above-styled action be transferred to accompany the companion felony charges.

Respectfully submitted,


BRENT L. DEAN (DEA025)
ATTORNEY FOR DEFENDANT

FILED IN OFFICE THIS

DEC 22 2005

CHARLES W. STORY
CIRCUIT CLERK
CHAMBERS COUNTY, ALABAMA

IN THE DISTRICT COURT OF
CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA
Plaintiff

v.

MARVIN THOMPSON
Defendant

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:
:
:
:
:
:
:
:

Case No. CC-06-339

MOTION FOR SUPPRESSION OF EVIDENCE, AND REQUEST FOR HEARING

COMES NOW Defendant Marvin Thompson, pro se, and respectfully moves this Honorable Court pursuant to the below listed authorities due to willful failure to file, on behalf of the previous appointed counsel, and states in support thereof his motion:

1. Defendant moves this Court for the suppression of all relevant materials contained in evidence due to the unlawful detainment of the Defendant and the passenger of this vehicle by municipal police (law enforcement) officers.

2. Direct and willful violation of the Defendants Fourth Amendment rights against unlawful search and seizure. Under the automobile exception to the general requirement that a search warrant be obtained, the police [law enforcement] are only excused from obtaining a warrant when they have probable cause to believe that a vehicle they have stopped contains the evidence of a crime. The officers Lt. Wood, and Officer Clark, did not possess a reasonable belief based on specific and articulable facts which, when taken together with rational inference from these facts that this defendant and his passenger were or in any way participating in illegal activities, or in the possession of any illegal contraband to give the threshold upon which to search the defendants person, or vehicle without first obtaining a lawful search warrant.

3. Lt. Wood, and officer Clark acting without lawfulness to justify their actions, other than the mere harassment of the defendant, and his passengers, did use their position as law enforcement officials, drew their weapons and proceeded to intimidate the defendant and his passengers for a "traffic - violation". Common knowledge of law enforcement policies and procedures state that the only time a service weapon is to be drawn is when the officer feels his life or the life of another person is directly in jeopardy, or on any felony traffic stop, with the assistance of additional resources [i.e. backup].

4. After using unnecessary force to intimidate the defendant and his passengers the officers proceeded to search the defendant's vehicle unlawfully, without consent, and without probable cause that it would contain contraband.

5. Before searching the vehicle the officers did violate the rights of the defendant and his passengers by using their position of authority to insure that the defendant could not inform his passengers of their right to remain quiet, and not to say anything to the officers.

6. After causing the defendant to "interfere with government operations" by telling him to "shut up" and to "not say anything to his passengers" when he was exercising his First Amendment right to the freedom of speech, to inform the other occupants of the vehicle that they were not required to say anything or to even speak to the officers, used this retaliatory charge of "interference with government operations" as a precursor to unlawfully search the defendant's vehicle.

7. A Seizure occurs when a person is detained against his or her will and is unable to freely move about with some undue restriction to their movement. From the initial contact with these officers the defendant and his passengers were seized within the meaning of the Fourth Amendment and as such this seizure is unlawful as it was and is based on a government created crime "interference with government operations" which in no way relates to the initial reason given for approaching the defendant and his vehicle.

8. The prohibition of the Fourth Amendment against searches and seizures not supported by some objective justification governs all seizures of the person including seizures involving only a brief detention short of a traditional arrest. Smith v. Ohio, 494 U.S. 541, 110 S.Ct. 1288, 108 L.Ed. 464 (1990); U.S. v. Willis, 37 F.3d 313, 7th Cir (1994).

9. Probable cause to justify a search must be determined by the existence of facts known to the officer before, not after the search, i.e. events leading up to the search to give one a reasonable suspicion that contraband of some kind might be found.

10. Even if the court found that the officers actions were not against the course of the common law and that a nexus did exist their seizure of any evidence would fall under the fruit of a poisonous tree doctrine, as there was only probable cause to cite the defendant for illegally parking his vehicle, not what the officers would use to pat search the defendant, of "interference of government operations." These officers when 'arresting' the defendant for his "interference" conducted a pat frisk search and recovered no contraband of any kind off of the defendants person.

11. After the defendant refused to grant permission to search his vehicle, while the passenger was still at the scene, called in for a k-9 unit, to conduct a sniff search, this alone is outside the scope of their initial investigatory stop for an illegally parked vehicle.

12. The court must on de novo review look at the reasonableness and the time sequence of the initial stop to when the officers arrested the defendant on an "obstruction" charge, when they were only within the realm of their initial proceedings allowed to cite the defendant for illegally parking his vehicle. A seizure occurs when luggage is detained in order for such a sniff to be conducted, Thus a law enforcement officer who detains luggage, or a vehicle while locating a narcotics detection dog, must at least have reasonable suspicion based on specific and articulable facts that the bag, vehicle, or person contains the

contraband. Furthermore, the detention of a passengers bags without a warrant constitutes an unreasonable search when the government fails to act diligently in obtaining a dog. (Amer. Juris. §8)

13 There being no nexus to criminal activity, or contraband on the person of the defendant, the officers lacked sufficient evidence to search the defendants vehicle and subsequently "find" any contraband.

WHEREFOER For the forgoing reasons the Defendant Marvin C. Thompson respectfully moves this Honorable Court for the suppression of the evidence obtained by unlawful search and seizure from the defendants vehicle by Lt. Woods.

Submitted on this _____ day of _____ 2007

Respectfully Submitted

Marvin C. Thompson, pro se
Register No. 84302-020
Federal Correctional Institute
FCI OAKDALE
Po Box 5000
Oakdale, Louisiana 71463

*Motion Sent
in ^{early} March*



Brent L. Dean
Attorney at Law

The Law Center
9 LaFayette Street North
LaFayette, Alabama 36862

Phone: (334) 864-5293
Fax: (334) 864-5300
deanlaw@bellsouth.net

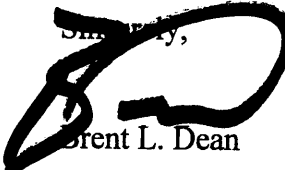
November 27, 2006

Marvin Thompson #84302020
Oakdale Federal Correctional Institution
P.O. Box 5000
Vernon Unit 2
Oakdale, LA 71463

Dear Mr. Thompson:

Your case here is at a standstill until you are released. The judge will not hear anything without your presence. There is a plea offer from the district attorney for 13 months probation but the judge will not take a plea without your presence. I will keep a copy of the plea offer in the file so you will have it once you are released.

You have failed to live up to your end of the deal for my representation. You have paid \$1600.00 and that's it. I am now very upside down in this case and will file a motion to withdraw. The cost of the transcript of your preliminary hearing was \$190.10 which I paid out of my own pocket. I will be glad to send you a copy once I receive payment for the transcript. A copy of the bill is enclosed.


Brent L. Dean

IN THE CIRCUIT COURT OF CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

MARVIN THOMPSON,
Defendant.

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Case No. CC-06-339

ORDER

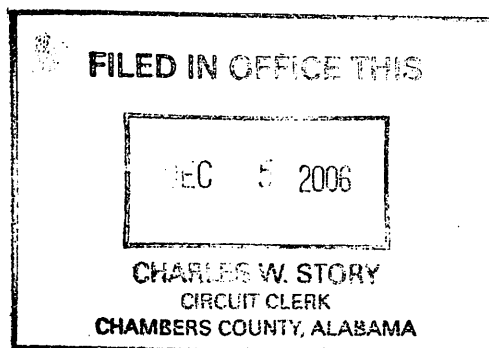
This matter coming before the Court on a Motion to Withdraw filed by Brent L. Dean and the Court having considered the same, it is ORDERED that said motion is GRANTED. Mr. Brent L. Dean is allowed to withdraw as counsel for the Defendant.

The Clerk of the Court is directed to mail a copy of this Order to the Office of the District Attorney, Mr. Brent L. Dean and to the Defendant.

DONE this the 5th day of December, 2006.



TOM F. YOUNG, JR.
Circuit Judge



R Dean DA. Su. Law, Prob Dept, M. Thompson

IN THE CIRCUIT COURT OF CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

MARVIN THOMPSON,
Defendant.

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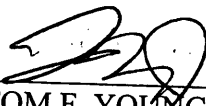
Case No. CC-06-339

ORDER

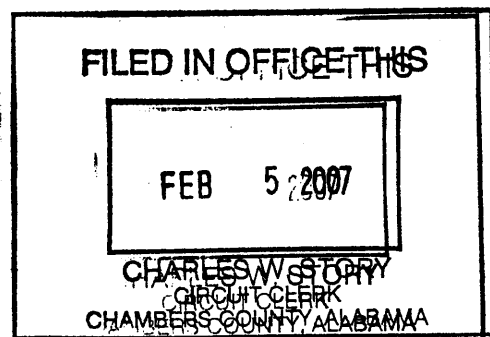
Upon Motion for Appointment of Counsel filed pro se by the Defendant, it is Ordered that Mr. Roland Sledge, Attorney at Law, is hereby appointed to represent the Defendant in these proceedings. The Motion for Discovery filed by the Defendant, pro se, shall be forwarded to defense counsel for review.

The Clerk of the Court is to mail a copy of this Order to the Office of the District Attorney and to Mr. Roland Sledge.

SIGNED this 2nd day of February, 2007.



TOM F. YOUNG, JR.
Circuit Judge



DA. so, law, prob Dept, R. Sledge, M. Thompson,